

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

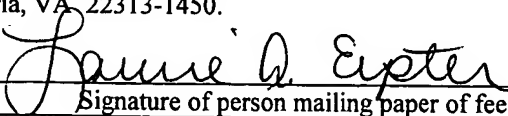
In re patent application of: )  
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 John R. BIANCHI et al. )  
 )  
 Serial No. Not Yet Assigned )  
 )  
 Filed January 13, 2004 )  
 )  
 OPEN INTERVERTEBRAL SPACER )

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop PATENT APPLICATION  
 Commissioner for Patents  
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Sir:

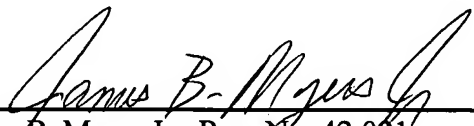
Pursuant to the duty of disclosure in accordance with 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation Form. This information has not been previously submitted in this application, and has not been cited previously by the Examiner. Copies of cited items are not enclosed since they were previously cited or submitted to the Office in prior application, Serial No. 10/035,074, which was relied upon for an earlier filing date in accordance with 37 C.F.R. § 1.98(d).

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This Statement is being submitted prior to the mailing of any Office Action on the merits. It is believed that no fee is required for consideration of the submitted items. Should any fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	
				Filing Date	January 13, 2004
				First Named Inventor	Bianchi
				Group Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket No.	4002-3468

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (If known)			
		4,309,488	01-05-1982	Heide et al.	
		4,626,392	12-02-1986	Kondo et al.	
		4,636,217	01-13-1987	Ogilvie et al.	
		4,636,314	03-31-1987	Takagi et al.	
		4,687,675	08-18-1987	Nakano et al.	
		4,714,469	12-22-1987	Kenna	
		4,722,870	02-02-1988	White	
		4,820,305	04-11-1989	Harms et al.	
		4,834,757	05-30-1989	Brantingan	
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		4,917,703	04-17-1990	Albrektsson	
		4,950,296	08-21-1990	McIntyre	
		4,961,740	10-09-1990	Ray et al.	
		4,976,738	12-11-1990	Frey et al.	
		5,002,583	03-26-1991	Pitaru et al.	
		5,015,247	05-14-1991	Michelson	
		5,026,373	06-25-1991	Ray et al.	
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		5,591,235	01-07-1997	Kuslich	
		5,593,409	01-14-1997	Michelson	

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		Number-Kind Code <sup>2</sup> (if known)			
		5,728,159	03-17-1998	Stoeve et al.	
		5,972,368	10-26-1999	McKay	
		5,810,819	09-22-1998	Errico et al.	
		5,814,084	09-29-1998	Grivas et al.	
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		6,391,058	05-21-2002	Kuslich et al.	
		6,409,765	06-25-2002	Bianchi et al.	
		6,500,206	12-31-2002	Bryan	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T <sup>2</sup>	
		Bone Graft Surgery in Disease, Injury and Deformity; Fred H. Albee, M.D.; Published by D. Appleton-Century Company, Copyright 1940.		
		"Laparoscopic Bone Dowel Surgical Technique", Sofamor Danek, Memphis, Tennessee, 1995.		
		"Musculoskeletal Transplant Foundation" Brochure, Apr. 1996.		
		"Threaded Bone Dowel" by LISpine 1997 Hohmann Enterprises Inc., Apr. 1997.		
		"New and Innovative Fusion Techniques" by John J. Vaughan, MD The Kentucky Spines Inst., Dec. 1998.		

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